

Wetlands Bureau Decision Report

Decisions Taken
09/29/2003 to 10/03/2003

DISCLAIMER:

This document is published for information purposes only and does not constitute an authorization to conduct work. Work in jurisdiction may not commence until the applicant has received a posting permit.

Decisions are subject to appeal, and are reviewed by the federal agencies for compliance with Section 404 of the Federal Clean Water Act.

APPEAL:

I. Any affected party may ask for reconsideration of a permit decision in accordance with RSA 482-A:10,II within 20 days of the Department's issuance of a decision. Requests for reconsideration should:

- 1) describe in detail each ground for complaint. Only grounds set forth in the request for reconsideration can be considered at subsequent levels of appeal;
- 2) provide new evidence or information to support the requested action;
- 3) Parties other than the applicant, the town, or contiguous abutters must explain why they believe they are affected; and
- 4) Be mailed to the DES Wetlands Bureau, PO Box 95, Concord, NH 03302-0095.

II. An appeal of a decision of the department after reconsideration may be filed with the Wetlands Council in accordance with RSA 482-A:10, IV within 30 days of the department's decision. Filing of the appeal must:

- 1) be made by certified mail to Brian Fowler, Chairperson, Wetlands Council, PO Box 95, Concord, NH 03302-0095 (a copy should also be sent to the DES Wetlands Bureau);
- 2) contain a detailed description of the land involved in the department's decision; and
- 3) set forth every ground upon which it is claimed that the department's decision is unlawful or unreasonable.

MAJOR IMPACT PROJECT

2003-00399

SANDY BROOK CORP

BARRINGTON Unnamed Wetland Adjacent To Nippo Brook

Requested Action:

Dredge and fill approximately 8,675 square feet of forested and wet meadow wetlands and an intermittent stream adjacent to Barrington Prime Wetlands #11 and #12 to provide roadway and driveway access to a 39-lot residential subdivision on approximately 108 acres. As compensatory mitigation for jurisdictional impacts preserve a total of 46.55 acres of wetlands and contiguous upland buffer on-site, including 26.84 acres of conservation areas and 19.71 acres of open space areas.

Conservation Commission/Staff Comments:

In a letter to the DES Wetlands Bureau dated March 31, 2003 the Barrington Conservation Commission recommended denial of the application due to substantial adverse impacts to Barrington Prime Wetland #12 that would occur as a result of the project. The Conservation Commission also expressed concern with degradation to drinking water quality as a result of installation of septic systems serving the proposed residential subdivision.

Inspection Date: 05/15/2003 by Christian P Williams

APPROVE PERMIT:

Dredge and fill approximately 8,675 square feet of forested and wet meadow wetlands and an intermittent stream adjacent to Barrington Prime Wetlands #11 and #12 to provide roadway and driveway access to a 39-lot residential subdivision on approximately 108 acres. As compensatory mitigation for jurisdictional impacts preserve a total of 46.55 acres of wetlands and contiguous upland buffer on-site, including 26.84 acres of conservation areas and 19.71 acres of open space areas.

With Conditions:

1. All work shall be in accordance with the following plans by Beals Associates, PLLC:
 - a. The Proposed Subdivision Plan (Sheets 1 - 4 of 26) dated March 6, 2003 and revised June 9, 2003, as received by the Department on June 10, 2003;
 - b. The Proposed Easement Plan (Sheet 5 of 26) dated March 6, 2003 and revised September 8, 2003, as received by the Department on September 22, 2003;
 - c. The Existing Conditions Plan (Sheets 9 - 12 of 26) and the Proposed Conditions Plan (Sheets 13 - 16 of 26) dated January 15, 2003 and revised June 9, 2003, as received by the Department on June 10, 2003;
 - d. The Plan & Profile (Sheets 17 - 21 of 26) and the Highway Access Plan (Sheet 22 of 26) dated January 2003 and revised June 9, 2003, as received by the Department on June 10, 2003; and
 - e. The General Details (Sheets 23 & 24 of 26) and the Erosion and Sediment Control Details (Sheet 26 of 26) dated January 15, 2003 and revised June 9, 2003, as received by the Department on June 10, 2003.
2. This permit is contingent on approval by the NHDES Subsurface Systems Bureau.
3. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
4. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition #3 of this approval.
5. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the NHDES Wetlands Bureau prior to construction.
6. At least 48 hours prior to the start of construction a pre-construction meeting shall be held with NHDES Land Resources Management Program staff at the project site or at the DES Office in Concord, NH to review the conditions of this permit and the NHDES Site Specific Permit. It shall be the responsibility of the permittee to schedule the pre-construction meeting, and the meeting shall be attended by the permittee, their professional engineer(s), wetlands scientist(s), and the contractor(s) responsible for performing the work.
7. At least seven days prior to the start of construction the permittee shall notify in writing the NHDES Wetlands Bureau, the Barrington Conservation Commission and the Isinglass River Local Advisory Committee of the date project construction is proposed to begin.
8. At least 48 hours prior to the start of project activities associated with installation of the 3-foot x 12-foot box culvert at roadway

station 51+00 (wetland impact #2) the permittee shall notify in writing the NHDES Wetlands Bureau, the Barrington Conservation Commission and the Isinglass River Local Advisory Committee.

9. The applicant shall maintain and protect all existing and designated uses of the surface waters impacted by the Fairway Heights project. Class B New Hampshire surface water quality standards provided in New Hampshire Administrative Rule Env-Ws 1700 shall be maintained at all times throughout the pre and post-construction periods of the project.

10. Surface water quality samples shall be collected according to the plan developed by Exeter Environmental Associates, Inc. and New Hampshire Soil Consultants, Inc. under letter dated August 21, 2003. Samples shall be collected to determine background water quality conditions, prior to construction. Samples shall be collected during wet and dry weather for dissolved oxygen, water temperature, pH, specific conductance, chloride and nitrate, total phosphorus, total suspended solids, BOD5, total copper, total lead, total zinc, and hardness. Sampling results shall be submitted to the DES Watershed Management Bureau within 45 days of the sampling event.

11. The Stormwater Pollution Prevention Plan by Beals Associates, PLLC dated August 13, 2003, shall be implemented prior to the start of any construction work in the project area.

12. The residential lot standards described in Article VIII of the Declaration of Covenants, Conditions, and Restrictions, dated September 2003 by the Sandy Brook Corporation, shall be executed appropriately throughout the lifetime of the project for the protection of Outstanding Resource Waters (ORW) in the project area.

13. Construction activities associated with installation of the 3-foot x 12-foot box culvert at roadway station 51+00 (wetland impact #2) shall be in strict accordance with the installation procedures listed in the General Details (Sheet 24 of 26) by Beals Associates PLLC dated January 15, 2003 and revised June 9, 2003, as received by the Department on June 10, 2003.

14. No work shall be conducted in Barrington Prime Wetland #11 or #12, nor shall any machinery shall be located in Barrington Prime Wetland #11 or #12.

15. Work shall be conducted during low flow conditions.

16. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.

17. Appropriate erosion and siltation controls shall be installed prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.

18. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate work area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.

19. Prior to commencing work on a substructure located within surface waters, a temporary cofferdam shall be constructed to isolate the substructure work area from the surface waters.

20. Temporary cofferdams shall not be installed during periods of high flow, whether due to seasonal runoff or precipitation. Once a temporary cofferdam is fully effective, confined work can proceed without restriction.

21. Temporary cofferdams shall be entirely removed immediately following construction.

22. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.

23. Dredged material shall be placed outside of the jurisdiction of the NHDES Wetlands Bureau.

24. Proper headwalls shall be constructed within seven days of culvert installation.

25. Stone aprons shall be installed at culvert outlets, where appropriate, to dissipate flow velocities and prevent scour and erosion.

26. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.

27. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

28. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.

29. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.

30. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).

Upland Buffer and Wetland Preservation:

31. This permit is contingent upon the preservation of a total of 46.55 acres on-site, including 26.84 acres of conservation areas and 19.71 acres of open space areas, as depicted on the Proposed Easement Plan (Sheet 5 of 26) dated March 6, 2003 and revised

September 8, 2003, as received by the Department on September 22, 2003. The conservation areas, which include 5.03 acres of wetlands and 21.81 acres of contiguous upland buffer, shall be protected via deed restrictions placed on individual lots within the residential subdivision, while the open space areas, which include 6.21 acres of wetlands and 13.50 acres of contiguous upland buffer, shall be conveyed to the Fairway Heights Homeowners Association, or its successors and assigns, to be utilized only for passive recreational purposes by the residents of the subdivision.

32. The following lots within the subdivision shall be subject to deed restrictions protecting the conservation areas: Lots 1 - 7; 9 - 18; 20 - 34; and 39.

33. Each and every owner by acceptance of a deed for a lot in the subdivision shall agree to be subject to the Declaration of Covenants, Conditions and Restrictions for Fairway Heights Barrington, New Hampshire, as received by the Department on September 22, 2003.

34. The plan noting the conservation areas and open space areas with a copy of the final Conservation Easement Deed and Declaration of Covenants, Conditions and Restrictions for Fairway Heights Barrington, New Hampshire shall be recorded with the Registry of Deeds Office for each appropriate lot. A copy of the recording from the County Registry of Deeds Office shall be submitted to the NHDES Wetlands Bureau prior to the start of construction.

35. The conservation areas and open space areas shall be surveyed by a licensed surveyor, and marked by monuments [stakes] prior to construction.

36. Signs to indicate the location of and restrictions on the conservation areas and open space areas shall be posted no further than every 150 feet along the boundary of the conservation areas and open space areas prior to construction.

37. Prior to construction, the permittee shall notify the NHDES Wetlands Bureau staff of the placement of the conservation area and open space area signs and shall coordinate on-site review of their location with NHDES Wetlands Bureau staff.

38. Activities in contravention of the Conservation Easement Deed and the Declaration of Covenants, Conditions and Restrictions for Fairway Heights Barrington, New Hampshire shall be construed as a violation of RSA 482-A, and those activities shall be subject to the enforcement powers of the Department of Environmental Services (including remediation and fines).

Vernal Pool Enhancement:

39. Enhancement and monitoring of the potential vernal pool located on Lot 12, as depicted on the Proposed Conditions Plan (Sheet 15 of 26) by Beals Associates PLLC dated January 15, 2003 and revised June 9, 2003, as received by the Department on June 10, 2003, shall be conducted in accordance with the potential vernal pool enhancement plan (Appendix A) by NH Soil Consultants, Inc. dated June 2003, as received by the Department on June 10, 2003.

Wood Turtle Bed Construction:

40. Construction of two 10-foot x 20-foot wood turtle beds on Lots 4 & 5, as depicted on the Proposed Conditions Plan (Sheet 14 of 26) by Beals Associates PLLC dated January 15, 2003 and revised June 9, 2003, as received by the Department on June 10, 2003, shall be conducted in accordance with the specifications shown in the General Details (Sheet 24 of 26) by Beals Associates PLLC dated January 15, 2003 and revised June 9, 2003, as received by the Department on June 10, 2003.

With Findings:

Findings of Fact:

1. On February 12, 2003 NHDES Wetlands Bureau staff conducted a pre-application meeting for the proposed project with staff from NH Soil Consultants, Inc. and Beals Associates, PLLC.
2. On February 27, 2003 the NHDES Wetlands Bureau received a Standard Dredge and Fill Application, including Subdivision Plans (Sheets 1 - 26) and an Environmental Impact Assessment, proposing 8,675 square feet of fill in wetlands adjacent to Barrington Prime Wetlands #11 and #12 to provide roadway and driveway access to a 40-lot residential subdivision.
3. Included with the above-referenced Standard Dredge and Fill Application was a memo from the NH Natural Heritage Inventory dated October 31, 2002 indicating that it has no recorded occurrences of sensitive species near the project area.
4. In a letter received by the NHDES Wetlands Bureau on March 7, 2003 the Barrington Conservation Commission indicated its intent to further investigate the application, pursuant to RSA 482-A:11.III.
5. In a letter to the NHDES Wetlands Bureau dated March 23, 2003 Mr. Bruce Barbour, an abutter to the project site, recommended denial of the application for the following reasons: 1. The project would result in the loss of habitat for wildlife, including rare and endangered species; and 2. There has been no final decision by the Barrington Planning Board regarding the project.
6. On March 31, 2003 the NHDES Wetlands Bureau received revised Subdivision Plans (Sheets 1 - 26) depicting a 39-lot residential subdivision.

7. In a letter to the NHDES Wetlands Bureau dated March 31, 2003 the Barrington Conservation Commission recommended denial of the application due to substantial adverse impacts to Barrington Prime Wetland #12 that would occur as a result of the project. The Conservation Commission also expressed concern with degradation to drinking water quality as a result of installation of septic systems serving the proposed residential subdivision.
8. In a letter to the NHDES Wetlands Bureau dated April 5, 2003 the Isinglass River Local Advisory Committee requested that the review period for the application remain open until May 21, 2003 in order to allow the Committee to draft an official response to the application at its May 2003 meeting.
9. In a letter dated May 9, 2003 the NHDES Wetlands Bureau requested additional project information from the applicant's authorized agent, NH Soil Consultants, Inc.
10. On May 15, 2003 NHDES Wetlands Bureau staff, accompanied by staff from NH Soil Consultants, Inc., and Beals Associates, PLLC, conducted a field inspection of the property.
11. In a letter to the NHDES Wetlands Bureau dated May 15, 2003 the Isinglass River Local Advisory Committee requested that the review period for the application remain open until May 29, 2003 in order to allow Committee members to circulate and approve its final draft response to the application. The Committee also requested that the NHDES Wetlands Bureau hold the Prime Wetland Public Hearing in the Town of Barrington during the evening to improve attendance by Town residents.
12. In an electronic mail communication to the NHDES Wetlands Bureau dated May 19, 2003, Mr. Keith Wiley, a resident of Province Road in Barrington, expressed concern that the project may result in flooding of his property.
13. In an Inter-Departmental Communication to the Wetlands Bureau dated May 21, 2003, the NHDES Rivers Coordinator made the following recommendations: 1. NHDES Watershed Management Bureau staff, in consultation with NHDES Wetlands Bureau staff should request a modified 401 Water Quality Certification from the applicant to determine compliance with water quality protection measures afforded the Isinglass River; 2. The applicant should reconduct its wildlife inventory to increase the level of certainty regarding the dependency of wildlife on the property and its habitats under current conditions; 3. The applicant should submit a wildlife management plan that addresses the protection and management measures of RSA 483:7-a(I)(b)(4) and quantify the existing species' specific home range/movement requirements in relation to the proposed conservation/buffer areas; and 4. The NHDES Wetlands Bureau should formally request technical assistance from the NH Fish & Game Department in order to adequately review the potential wildlife and wildlife habitat impacts of the project.
14. In an electronic mail communication to the NHDES Wetlands Bureau dated May 23, 2003 the Isinglass River Local Advisory Committee raised eleven concerns regarding the impact of the project on the water quality of the Isinglass River and eight concerns regarding the impact of the project on the watershed values of wildlife and scenic beauty that were central to the designation of the Isinglass River under the Rivers Management and Protection Act (RSA 483).
15. On June 2, 2003 the NHDES Site Specific Program issued Site Specific Permit WPS-6489 for the project.
16. On June 10, 2003 the NHDES Wetlands Bureau conducted a Prime Wetland Public Hearing for the proposed project, in accordance with Rule Wt 703.03, at the Barrington Middle School Annex. Seven individuals, including the Chairman of the Barrington Conservation Commission, a member of the Isinglass River Local Advisory Committee, project abutters and other town residents, spoke in opposition to the project.
17. At the Prime Wetland Public Hearing additional project documentation, including revised Subdivision Plans (Sheets 1 - 26), was presented to NHDES Wetland Bureau staff, in part, as a response to the Bureau's Request for More Information Letter dated May 9, 2003.
18. At the Prime Wetland Public Hearing NHDES Wetlands Bureau staff notified attendees that the file would remain open until July 1, 2003 to allow interested parties, including the Barrington Conservation Commission and the Isinglass River Local Advisory Committee, to comment on information discussed and documentation presented during the hearing.
19. In a letter to the NHDES Wetlands Bureau dated June 18, 2003, Mr. Steve Conklin recommended that the Department review the application with respect to the establishment of appropriate conservation easement boundaries adjacent to wetlands, site hydrology and wetland interconnection.
20. In a letter received by the NHDES Wetlands Bureau on June 27, 2003, the Isinglass River Protection Project asked the Bureau to deny the applicant's proposed roadway alignment off Province Road in favor of an alternative roadway alignment located further east on Province Road.
21. In a letter to the NHDES Wetlands Bureau dated June 28, 2003 the Isinglass River Local Advisory Committee expressed opposition to the location of the subdivision roadway access on Province Road and stated that potential long-term threats to water quality do not support issuance of a Wetlands Permit nor a 401 Water Quality Certification. The Committee also made a number of additional requests, including: 1. Consideration of wetlands values in the determination of the alignment of the subdivision roadway; 2. Re-inspection of the site by NHDES Wetlands Bureau staff and validation of the wetland delineation in the area identified as an upland meadow located adjacent to Barrington Prime Wetland #12 and Province Road; 3. Implementation of proper BMPs during draw-down of the existing farm pond associated with installation of the 3-foot x 12-foot box culvert; and 4.

Elimination of residential development on proposed Lots 11, 29 and 30 to maintain existing wildlife corridors. 22. On August 26, 2003 the NHDES Wetlands Bureau received the following additional project documentation submitted by NH Soil Consultants, Inc. in response to a meeting with NHDES personnel on July 23, 2003: 1. Pre and post-construction hydrographs; 2. Draft easement and open space language and a revised easement plan; 3. An on-lot construction and maintenance plan; 4. A stormwater maintenance plan for roadways and drainage structures; and 5. A surface water monitoring plan.

23. During a telephone conversation with staff from NH Soil Consultants, Inc. on September 8, 2003, NHDES Wetlands Bureau staff requested minor changes to the proposed Conservation Easement Deed, the Open Space Declaration of Covenants, Conditions and Restrictions, and the Proposed Easement Plan.

24. In a letter to the NHDES Wetlands Bureau dated September 10, 2003, Attorney Mark Beliveau of Pierce Atwood, writing on behalf of the Selectmen of the Town of Barrington, stated that based on the current project proposal the Selectmen do not believe the Department can find that the proposal meets the Criteria for Approval described in Administrative Rule Wt 703.01(b).

25. In response to information requested by NHDES Wetlands Bureau staff during a telephone conversation with NH Soil Consultants, Inc. on September 8, 2003, the Wetlands Bureau received revised copies of the Conservation Easement Deed, the Open Space Declaration of Covenants, Conditions and Restrictions, and the Proposed Easement Plan on September 22, 2002.

Findings in Support of Approval:

26. In response to the letter from Mr. Bruce Barbour dated March 23, 2003, as referenced in finding #5 above, the Department finds that there is no evidence to suggest the existence of rare and/or endangered species on the project site. Furthermore, the Department finds that its decision to issue a Wetlands and Non-Site Specific Permit is in no way influenced by the timing of any decision rendered by the local Planning Board with respect to the project.

27. In response to the letter from the Barrington Conservation Commission dated March 31, 2003, as referenced in finding #7 above, the Department finds that the project will not result in substantial adverse impacts to Barrington Prime Wetland #12. With regard to the Conservation Commission's concerns regarding degradation to drinking water quality as a result of installation of septic systems, the Department finds that per condition #2 of this permit, installation of the septic systems serving the individual lots of the subdivision will require review and approval by the DES Subsurface Systems Bureau.

28. The Department finds that the concerns raised by Mr. Keith Wiley in an electronic mail communication dated May 19, 2003, as referenced in finding #12 above, have been sufficiently addressed by the applicant's authorized agent, NH Soil Consultants, Inc., in a letter to the DES Wetlands Bureau dated June 10, 2003.

29. The Department finds that the comments and concerns regarding potential adverse impacts to wildlife habitat, the presence of threatened and endangered species on the site, the existence of a wetland plant species inventory, the regulation of open space areas, the creation of a 50-foot wide right-of-way to abutting Lot 32A (Barrington Tax Map 2), and the removal of total suspended solids from stormwater runoff, which were raised at the Prime Wetland Public Hearing, referenced in finding #16 above, were adequately addressed at the Public Hearing by those representing the applicant, including members of NH Soil Consultants, Inc. and Beals Associates, PLLC.

30. In response to the recommendations by Mr. Steve Conklin regarding establishment of appropriate conservation easement boundaries adjacent to wetlands, site hydrology and wetland interconnection, as referenced in finding #19 above, the Department finds that the technical analyses and information submitted in support of the application adequately address these issues and meet all requirements of the DES Wetlands Bureau Code of Administrative Rules (Wt 100 - 700).

31. In response to the recommendation by the Isinglass River Protection Project and the Isinglass Local River Advisory Committee to utilize an alternative subdivision roadway alignment off Province Road, as referenced in findings #20 and #21 above, the Department finds that an alternative alignment located approximately 800 feet east of the proposed subdivision roadway intersection with Province Road would result in approximately 16,000 square feet of additional wetlands impacts, and therefore does not represent the alternative with the least adverse impact to areas and environments under the Department's jurisdiction, in accordance with Rule Wt 302.03.

32. In response to the request by the Isinglass River Local Advisory Committee for DES staff to revisit the site to validate the wetland delineation in the area identified as an upland meadow located adjacent to Barrington Prime Wetland #12 and Province Road, as referenced in finding #21 above, the Department finds that validation of the wetland delineation is not warranted as the accuracy of the wetland delineation was confirmed by DES Wetlands Bureau staff during an inspection of the property on May 15, 2003.

33. In response to the request by the Isinglass River Local Advisory Committee regarding implementation of proper BMPs during draw-down of the existing farm pond associated with installation of the 3-foot x 12-foot box culvert, as referenced in finding #21 above, the Department finds that the installation procedures listed in the General Details (Sheet 24 of 26) by Beals Associates PLLC dated January 15, 2003 and revised June 9, 2003, as received by the Department on June 10, 2003, are sufficient to prevent

degradation of water quality and wildlife habitat.

34. In response to the request by the Isinglass River Local Advisory Committee to eliminate residential development on proposed Lots 11, 29 and 30 to maintain existing wildlife corridors, as referenced in finding #21 above, the Department finds that based on information submitted at the Prime Wetland Public Hearing the property does not contain a significant wildlife corridor due to habitat fragmentation resulting from adjacent roadways.

35. The Department finds that NHDES Site Specific Permit WPS-6489, as referenced in finding #15 above, combined with conditions #9 - #12 of this permit adequately address the long-term water quality concerns raised by the Isinglass River Local Advisory Committee, as referenced in finding #21 above.

36. In response to the letter from Attorney Mark Beliveau of Pierce Atwood, written on behalf of the Selectmen of the Town of Barrington, as referenced in finding #24 above, the Department finds that there is no clear and convincing evidence indicating that the proposal does not meet the Criteria for Approval described in Administrative Rule Wt 703.01(b).

37. The project is categorized as a Major Impact Project, per Administrative Rule Wt 303.02(f), as the project is located adjacent to designated Prime Wetlands under RSA 482-A:15.

38. The need for the proposed jurisdictional impacts has been demonstrated by the applicant, per Rule Wt 302.01.

39. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the Department's jurisdiction, in accordance with Rule Wt 302.03.

40. The applicant has demonstrated by plan and example that each factor listed in Rule Wt 302.04(a), Requirements for Application Evaluation, has been considered in the design of the project.

41. The applicant has addressed the subdivision plan requirements of Rule Wt 304.09(a).

42. The plans submitted in support of the application accurately depict the boundaries of Barrington Prime Wetlands #11 and #12 and other non-prime wetlands on the property.

43. The proposed wetlands compensatory mitigation plan, which will preserve a total of 46.55 acres on-site, including 11.24 acres of wetlands and 35.31 acres of contiguous upland buffer, exceeds the ratios for upland buffer preservation described in the NHDES Wetlands Bureau's Draft Wetlands Compensatory Mitigation Rules.

44. The Department finds that a complete technical review of site drainage issues, including stormwater analyses for quality and quantity of stormwater runoff, has been conducted by the DES Site Specific Program. This includes, but is not limited to, review of: methods to control peak stormwater discharge rates; construction erosion controls; and methods for treatment of stormwater runoff from impervious surfaces. Issuance of DES Site Specific Permit WPS-6489 on June 2, 2003 is indicative that all requirements of Env-Ws 415 have been satisfied.

45. Based on the above-referenced findings, the Department finds that there is clear and convincing evidence that this proposal will have no significant loss of values to the prime wetlands as set forth in RSA 482-A:1, and the project meets the criteria set forth in Administrative Rule Wt 703.01(b).

2003-01688 TAUFEN, MARY ANNE/LESTER
NEWMARKET Lamprey River

Requested Action:

Construct a 6 ft x 20 ft fixed pier and a 3 ft x 30 ft ramp connected to a 6 ft x 20 ft float and a 10 ft x 20 ft float arranged in a T-shape on the Lamprey River in Newmarket.

Inspection Date: 09/29/2003 by Christina Altimari

APPROVE PERMIT:

Construct a 6 ft x 20 ft fixed pier and a 3 ft x 30 ft ramp connected to a 6 ft x 20 ft float and a 10 ft x 20 ft float arranged in a T-shape on the Lamprey River in Newmarket.

With Conditions:

1. All work shall be in accordance with plans by Pickering Marine Corporation dated July 15, 2003, with revisions dated September 3, 2003, as received by the Department on September 4, 2003.

2. Any future work in jurisdiction as specified in RSA 482-A on this property will require a new application and approval by the Department of Environmental Services ("DES") Wetlands Bureau.

3. Coastal staff shall be notified in writing prior to commencement of work and upon completion.

4. Appropriate siltation, erosion, and turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain in until the area is stabilized.
5. The decking of the dock shall have a minimum of 6 ft. clearance from the surface of the mud flat and shall have 3/4-inch spacing between the decking planks and the ramp shall have a minimum of 3 ft. clearance from the surface of the mud flat.
6. This shall be the only structure on this water frontage and all portions of the dock shall be at least 20 ft. from abutting property lines or the imaginary extension of those lines into the water.
7. Work shall be done during low tide.
8. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
9. Work shall be conducted in a manner that avoids excessive discharges of sediments to fish spawning areas.

With Findings:

1. This is a major impact project per Administrative Rule Wt 303.02(a), projects in tidal waters.
2. Public hearing is waived based on DES staff field inspection on September 29, 2003 with the finding that the project impacts will not significantly impair the resources of this tidal river.
3. The Pease Development Authority - Division of Ports and Harbors has determined that the proposed dock does not impede navigation.
4. This dock is consistent with other tidal dock approvals in the seacoast region.

-Send to Governor and Executive Council-

MINOR IMPACT PROJECT

1999-01078 LONDONDERRY, TOWN OF
LONDONDERRY Unnamed Stream

Requested Action:

Request amendment to impact an additional 1,100 sq. ft. (300 sq. ft. permanent, 800 sq. ft. temporary) of wetlands for the construction of a sewer pump station building.

Conservation Commission/Staff Comments:

Conservation Commission letter recived on June 25, 1999 indicates support for the project, but expresses some concerns regarding wetlands impacts.

APPROVE AMENDMENT:

Amend permit to impact an additional 1,100 sq. ft. (300 sq. ft. permanent, 800 sq. ft. temporary) of wetlands for the construction of a sewer pump station building.

Dredge and fill 18,540 sq. ft. in wetlands and watercourses (eight locations) to install a 15-in. PVC sewer interceptor in existing right-of-way. All work shall be conducted per plans received on June 8, 1999.

With Conditions:

1. Construction workspace shall be limited to the 40-ft. construction right-of-way as depicted on the approved plans, unless further authorization is received pursuant to condition #2 below.
2. All additional temporary workspace outside of the approved construction right-of-way shall be located at least 20 ft. from any wetland or watercourse or the further approval of the NHDES Wetlands Bureau shall be obtained prior to use of the workspace.
3. Construction in wetlands shall not occur between November 1 and May 31 to avoid winter and spring conditions. All wetlands

- impacts shall be restored prior to November 1 of the year of construction. This construction window may be extended upon further review by NHDES Wetlands Bureau.
4. The applicant shall notify in writing NHDES Wetlands Bureau and the Londonderry Conservation Commission of their intention to commence construction no less than five (5) business days prior to the commencement of construction.
 5. All wetlands approved to be impacted by construction of the pipeline shall be flagged during pre-construction preparation in accordance with the United States Army Corps of Engineers Wetlands Delineation Manual, Technical Report Y-87-1.
 6. Construction shall be inspected by a qualified wetland scientist, erosion control specialist, or professional engineer to insure that appropriate protective measures are properly implemented, including those outlined in the plans and documents supporting this permit application and the conditions of this authorization.
 7. The applicant shall notify NHDES Wetlands Bureau in writing within twenty-four (24) hours of an erosion event resulting in sediment entering a wetland or surface water.
 8. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
 9. Any clearing required in utility line rights-of-way shall be in accordance with the "Best Management Practices for Erosion Control on Timber Harvesting Operations in New Hampshire." Timber, slash and/or chips shall be removed from wetland areas and shall not be buried in wetlands.
 10. All work within flowing streams shall be conducted in the dry using a dam and flume or dam and pump method. Such erosion controls measures shall remain in place until impacted banks are restored. Flumes may not be removed for lowering-in.
 11. All in-stream work shall be conducted during low flow conditions and in a manner so as to minimize turbidity.
 12. All in-stream work shall be conducted in a manner so as to minimize the duration of construction in the watercourse. The NHDES Wetlands Bureau shall be notified in writing where in-stream construction exceeds 48 continuous hours.
 11. Stream banks shall be restored to a stable condition and shall be restored to the same as or better than pre-construction conditions.
 12. Construction in cold water fishery streams shall not occur between October 1 and May 31 to minimize impacts to the fishery resource during spawning season.
 13. Existing woody vegetation at stream crossings shall be salvaged and replanted during restoration to the maximum extent possible.
 14. Topsoil in wetlands shall be stripped and segregated from subsoil during construction. Wetland topsoils shall be stockpiled separately from subsoils and shall be restored following backfill.
 15. Wetland areas shall be seeded with appropriate New England wetland seed mix upon restoration. Mulching in wetlands, where required, shall be with clean straw.
 16. Timber or natural fiber mats, underlain by geotechnical fabric or timber corduroy where appropriate, shall be used to stabilize the right-of-way in wetlands. These materials shall be entirely removed from wetlands during restoration.
 17. Wetlands shall be restored to their pre-construction conditions within the right-of-way, including restoration of original grades, within 10 days of backfill.
 18. Blast rock from trench excavation shall be disposed of in the trench or shall be removed from the wetland. Blast rock shall not otherwise be buried or distributed on the surface of wetlands.
 19. Dewatering of work areas shall be discharged to sediment basins located in uplands and lined with hay bales or other acceptable sediment trapping liners. De-watering water shall be discharged away from water bodies, on stable surfaces, in a non erosive manner. Additionally, all turbid trench de-watering discharged within one-hundred (100) feet of any waterbody shall be discharged through a filter bag.
 20. A post-construction report documenting status of wetlands restoration shall be submitted to the Wetlands Bureau within six weeks of the completion of construction.
 21. The right-of-way shall be monitored and a written report documenting its condition shall be submitted to the Wetlands Bureau by July 15 of the year following construction. The construction report shall include photographic documentation. The Wetlands Bureau shall require subsequent monitoring and may require corrective measures if the right-of-way is not adequately stabilized and restored.
 22. Wetland restoration shall not be considered successful if sites are newly invaded by nuisance species such as common reed or purple loosestrife during the first full growing season following the completion of construction. The applicant shall work with DES to attempt to eradicate nuisance species newly found along the pipeline right-of-way during this same period.

With Findings:

1. This is a minor impact project per Rule Wt 303.03(h), as it requires approximately 18,540 sq. ft. of temporary impacts to forested and emergent wetlands.

2. As approved and conditioned, wetland impacts should be temporary in nature. Grades will be restored, wetland topsoils conserved, and the wetlands allowed to revegetate.
3. The project as approved and conditioned has met the intent of Rule Wt 302.03 regarding the avoidance and minimization of wetland impacts.

2003-00152 DORE, CLIFF
GRANTHAM Unnamed Stream

Requested Action:

Dredge and fill a total of 380 square feet of wetland impact along 167 linear feet of previously diverted stream channel and redirect flow to the natural channel along 64 linear feet to construct a wildlife pond.

Conservation Commission/Staff Comments:

The conservation commission does not have any objections to the issuance of the permit per their letter sated June 29, 2003.

APPROVE PERMIT:

Dredge and fill a total of 380 square feet of wetland impact along 167 linear feet of previously diverted stream channel and redirect flow to the natural channel along 64 linear feet to construct a wildlife pond.

With Conditions:

1. All work shall be in accordance with plans by Schauer Environmental Consultants LLC dated January 17, 2003, and revised through August 13, 2003, as received by the Department on August 18, 2003.
2. Work shall be done during low flow.
3. The applicant shall maintain a well distributed stand of vegetation on the eastern side of the pond.
4. The permittee shall designate a qualified professional who will be responsible for monitoring and ensuring that the work areas are constructed in accordance with the approved plan. Monitoring shall be accomplished in a timely fashion and remedial measures taken if necessary. The Wetlands Bureau shall be notified in writing of the designated professional prior to the start of work and if there is a change of status during the project.
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
6. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
7. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
8. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
9. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
10. Work authorized shall be carried out such that discharges shall be avoided in spawning or nursery areas during spawning seasons, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
11. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding and nesting areas shall be avoided.
12. A post-construction report documenting the status of the completed project with photographs shall be submitted to the Wetlands Bureau within 60 days of the completion of construction.
13. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.

With Findings:

1. This is a minor impact project per Administrative Rule Wt 303.03(e); Construction of a pond with less than 20,000 square feet of impact in a wetland or surface waters, which does not meet the criteria of Wt 303.04(p).
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. DES Staff conducted a field inspection of the proposed project on May 5, 2003. Field inspection determined the stream channel had been relocated down an old woods road due to rutting within the stream bed.
6. The proposed intermittent stream channel approximates the original location of the stream prior to disturbance.
7. The applicant will be maintaining a well distributed stand of trees on the steep slope adjacent to the proposed pond to maintain water quality.
8. The applicant will be planting trees and shrubs to increase the diversity of vegetation for use by wildlife.
8. The main flow of the stream will be kept out of the proposed pond by use of the intermittent diversion channel.

2003-00627 NH FISH & GAME DEPARTMENT
CENTER HARBOR Hawkins Pond

Requested Action:

Dredge and fill 900 sq. ft. and disturb 20 linear ft. of bank to replace existing gravel boat ramp with 12 ft. x 40 ft. pre-cast concrete planks installed on a stone base; and improve site drainage with a vegetated treatment swale on Hawkins Pond, Center Harbor.

Conservation Commission/Staff Comments:

Con Com has not submit comments by 05/21/03

APPROVE PERMIT:

Dredge and fill 900 sq. ft. and disturb 20 linear ft. of bank to replace existing gravel boat ramp with 12 ft. x 40 ft. pre-cast concrete planks installed on a stone base; and improve site drainage with a vegetated treatment swale on Hawkins Pond, Center Harbor.

With Conditions:

1. All work shall be in accordance with plans by New Hampshire Fish and Game dated October 2002, revision date July 25, 2003, as received by the Department on August 15, 2003.
2. Any future alteration of areas in or adjacent to surface water or wetlands on this property will require a new application and approval by the Department of Environmental Services.
3. Work shall be done during draw down.
4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
5. Dredged material shall be placed out of the DES Wetlands Bureau jurisdiction.
6. All activity shall be in accordance with the Shoreland Protection Act, RSA 483-B.

With Findings:

1. The proposed project is considered a minor wetlands impact per Rule Wt 303.03(a).
2. Upgrading the Hawkins Pond boat ramp is in the public interest as it reduces the potential hazards to those who utilize the existing deteriorated boat ramp.

2003-00638 LONDONDERRY, TOWN OF
LONDONDERRY Watts Brook

Requested Action:

Request amendment for the Litchfield Road culvert replacement project to install a Conspan arch bridge in place of the twin 72 in. RCP culverts.

Conservation Commission/Staff Comments:

Londonderry Conservation Commission recommends approval of the application.

APPROVE AMENDMENT:

Amend permit for the Litchfield Road culvert replacement project to install a Consplan arch bridge in place of the twin 72 in. RCP culverts.

Dredge and fill a total of 7,200 sq. ft. of palustrine forested/ scrub-shrub wetlands, including a perennial stream, of which 3,100 sq. ft. are temporary impacts, for work associated with the upgrading of Litchfield Road including the replacement of the existing 72 in. culvert with a Consplan arch bridge, headwalls, wingwalls and rip-rap scour protection.

With Conditions:

1. All work shall be in accordance with plans by Vollmer Associates LLP dated 04/11/2003, as received by the Department on April 10, 2003 and amendment request received August 28, 2003.
2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
4. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
5. Temporary wetland impact area(s) shall have at least 75% successful establishment of wetlands vegetation after two (2) growing seasons, or it shall be replanted and re-established until a functional wetland is replicated in a manner satisfactory to the DES Wetlands Bureau.
6. Work shall be done during low flow.

With Findings:

1. This is a minor impact project per Administrative Rule Wt 303.03(l).
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.

2003-00887 MARTINELLI, VINCENT
LACONIA Lake Winnisquam

Requested Action:

Maintenance dredge 17 cu yds from 464 sq ft of lakebed in an existing slip, install a 10 ft x 12 ft seasonal boatlift within an existing 14 ft x 30 ft boathouse, perch an existing 10 ft x 23 ft beach by constructing a 23 linear ft retaining wall with stairs recessed into the bank accessing the water, and reset 4 rocks into existing retaining wall on an average of 124 ft of frontage on Lake Winnisquam.

Conservation Commission/Staff Comments:

Con. Com. did not object to project.

APPROVE PERMIT:

Maintenance dredge 17 cu yds from 464 sq ft of lakebed in an existing slip, install a 10 ft x 12 ft seasonal boatlift within an existing 14 ft x 30 ft boathouse, perch an existing 10 ft x 23 ft beach by constructing a 23 linear ft retaining wall with stairs recessed into the bank accessing the water, and reset 4 rocks into existing retaining wall on an average of 124 ft of frontage on Lake Winnisquam.

With Conditions:

1. All work shall be in accordance with plans by Watermark Marine Construction dated September 24, 2003, as received by the Department on September 26, 2003.
2. The retaining wall associated with perching of the beach shall be constructed in accordance with the cross sections by Watermark Marine Construction, as received by the Department on May 12, 2003.
3. This permit shall not be effective until it has been recorded with the county Registry of Deeds office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
5. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
6. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
7. No dredging allowed below elevation 478.35.
8. Existing rocks which have fallen shall be used for repair. No Additional Rocks.
9. Work authorized shall be carried out such that discharges shall be avoided in spawning or nursery areas during spawning seasons, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
10. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding and nesting areas shall be avoided.
11. Repair shall maintain existing size, location and configuration.
12. Stone placed along the beach front for the purpose of retaining sand shall be placed above and/or landward of those rocks currently located along the normal high water line (Elevation 482.35). Those rocks existing at the normal high water line shall remain otherwise undisturbed such that the natural shoreline remains identifiable.
13. The steps installed for access to the water shall be located completely landward of the normal high water line.
14. This permit shall be used only once, and does not allow for annual beach replenishment.
15. The permittee shall provide appropriate diversion of surface water runoff to prevent erosion of beach area.
16. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement action or revocation action if the DES later determines that these "existing structures" were not previously permitted or grandfathered.
17. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(k), maintenance dredge existing boathouse to a depth of 4 ft (elevation 478.35).
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

2003-01119 NH TRADITIONAL HOMES LLC
DUNBARTON Unnamed Wetland

Requested Action:

Dredge and fill 4,385 square feet of palustrine forested wetlands to provide access to 2 lots of a 3-Lot subdivision

Conservation Commission/Staff Comments:

Conservation Commission requested DES suspend action on this application on June 13, 2003.

Conservation Commission submitted comments on June 26, 2003.

APPROVE PERMIT:

Dredge and fill 4,385 square feet of palustrine forested wetlands to provide access to 2 lots of a 3-Lot subdivision

With Conditions:

1. All work shall be in accordance with plans by J.E. Belanger Land Surveying P.L.L.C. dated April 26, 2003, as received by the Department on June 6, 2003.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
4. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition #3 of this approval.
5. The permittee shall notify DES and the local conservation commission in writing of their intention to commence construction no less than 5 business days prior to construction.
6. Work shall be done during low flow.
7. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
8. Proper headwalls shall be constructed within seven days of culvert installation.
9. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
10. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).

With Findings:

1. This is a minor impact project per Administrative Rule Wt 303.03(h), alteration of less than 20,000 sq ft of jurisdictional wetlands
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. The Department has determined that adequate sediment and erosion control measures have been considered in the design of this project.

2003-01675 MARKARTAN, PETER
CENTER HARBOR Squam Lake

Requested Action:

Install a 6 ft x 40 ft seasonal dock, hinged to existing rocks, attached to an existing 6 ft x 40 ft hinged seasonal dock by a 6 ft x 10 ft seasonal walkway, and excavate 288 sq ft to construct a 12 ft x 24 ft perched beach, utilizing 8 cu yds of sand, surrounded by 38 linear ft of stone wall, with 4 ft wide stairs accessing the water, on an average of 250 ft of frontage on Squam Lake.

Conservation Commission/Staff Comments:

Con. Com. did not comment

6 ft x 40 ft seasonal dock installed by notification

APPROVE PERMIT:

Install a 6 ft x 40 ft seasonal dock, hinged to existing rocks, attached to an existing 6 ft x 40 ft hinged seasonal dock by a 6 ft x 10 ft seasonal walkway, and excavate 288 sq ft to construct a 12 ft x 24 ft perched beach, utilizing 8 cu yds of sand, surrounded by 38 linear ft of stone wall, with 4 ft wide stairs accessing the water, on an average of 250 ft of frontage on Squam Lake.

With Conditions:

1. All work shall be in accordance with plans by Docks Unlimited, as received by the Department on September 23, 2003.
2. This permit shall not be effective until it has been recorded with the county Registry of Deeds office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.

3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is completely stabilized.
4. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
5. All excavated material shall be placed outside of the jurisdiction of the DES Wetlands Bureau prior to new construction.
6. Work authorized shall be carried out such that discharges shall be avoided in spawning or nursery areas during spawning seasons, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
7. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding and nesting areas shall be avoided.
8. Seasonal pier shall be removed from the lake for the non-boating season.
9. No portion of the pier shall extend more than 40 feet from the shoreline at full lake elevation.
10. Stone placed along the beach front for the purpose of retaining sand shall be placed above and/or landward of those rocks currently located along the normal high water line (Elevation 561). Those rocks existing at the normal high water line shall remain otherwise undisturbed such that the natural shoreline remains identifiable.
11. The steps installed for access to the water shall be located completely landward of the normal high water line.
12. No more than 8 cu yds of sand may be used and all sand shall be located above the normal high water line.
13. This permit shall be used only once, and does not allow for annual beach replenishment.
14. The permittee shall provide appropriate diversion of surface water runoff to prevent erosion of beach area.
15. Revegetation of trees, shrubs and ground covers representing the density and species diversity of the existing stand of vegetation removed for this project shall begin at a distance no greater than 5 feet landward from the beach area.
16. No more than 1 cu yd of concrete may be used to help establish a hinge point over the existing shoreline rocks.
17. These shall be the only structures on this water frontage and all portions of the dock shall be at least 20 ft from the abutting property lines or the imaginary extension of those lines into the water.
18. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minor impact project per Administrative Rule Wt 303.03(d), construction of a 3-slip seasonal U-shaped docking structure.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.

2003-01683 LOBDELL, RAYMOND
LANDAFF Unnamed Pond

Requested Action:

Dredge 8,400 square feet within palustrine scrub shrub wetlands (and 3,600 square feet of upland) to expand an existing man-made dugout pond. Work will include filling 1,190 square feet of palustrine scrub shrub wetland and installing a 12" x 20' culvert to construct a farm road to access a new Christmas tree field.

APPROVE PERMIT:

Dredge 8,400 square feet within palustrine scrub shrub wetlands (and 3,600 square feet of upland) to expand an existing man-made dugout pond. Work will include filling 1,190 square feet of palustrine scrub shrub wetland and installing a 12" x 20' culvert to construct a farm road to access a new Christmas tree field.

With Conditions:

1. All work shall be in accordance with plans and revisions by Lobdell Associates, as received by the Department on 7/28/03 and 9/15/03.
2. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction,

and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.

3. Work shall be done during drawdown and low flow conditions.
4. Discharge from dewatering of work areas shall be to sediment basins or created ponds that: a) provide sufficient freeboard to contain a 2-year frequency storm event; b) are lined with hay bales or other acceptable sediment trapping liners; c) are set back as far as possible from wetlands.
5. Dredged material shall be placed out of any area that is within the jurisdiction of the DES Wetlands Bureau.
6. Proper headwalls shall be constructed within seven days of culvert installation.
7. Stone aprons shall be installed at the culvert outlets to protect from scouring and erosion.
8. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

With Findings:

1. The project is categorized as a Minor Project per NH Administrative Rule Wt 303.03 (h), as the proposed pond and access road will impact less than 20,000 square feet of wetland.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.

2003-01749 EASTERN QUAD LLC
NEW IPSWICH Unnamed Wetland

Requested Action:

Dredge and fill 4,967 square feet of palustrine scrub-shrub and forested wetlands and install a 15" x 30' culvert to provide access to 1 lot of a 2-Lot subdivision

Conservation Commission/Staff Comments:

August 8, 2003, Conservation Commission requested time to review the application.

August 15, 2003, Conservation Commission approved the project

APPROVE PERMIT:

Dredge and fill 4,967 square feet of palustrine scrub-shrub and forested wetlands and install a 15" x 30' culvert to provide access to 1 lot of a 2-Lot subdivision

With Conditions:

1. All work shall be in accordance with plans by Richard P. Drew LLC dated May 12, 2003, as received by the Department on August 7, 2003.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback on both lots.
4. Work shall be done during low flow.
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
6. Proper headwalls shall be constructed within seven days of culvert installation.
7. Work authorized shall be carried out such that discharges shall be avoided in spawning or nursery areas during spawning seasons, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
8. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding and nesting areas shall be avoided.
9. No fill shall take place in Atlantic white cedar swamps.
10. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing

season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

With Findings:

1. This is a minor impact project per Administrative Rule Wt 303.03(h), alteration of less than 20,000 sq ft of disturbance to jurisdictional wetlands.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.

2003-01995 DOLPHIN POINT LLC
ALTON Lake Winnepesaukee

Requested Action:

Construct a 6 ft by 30 ft permanent piling supported dock and a 10 ft by 30 ft perched beach on 100 ft of frontage on Lake Winnepesaukee, Alton.

Conservation Commission/Staff Comments:

Con Com has no objections.

APPROVE PERMIT:

Construct a 6 ft by 30 ft permanent piling supported dock and a 10 ft by 30 ft perched beach on 100 ft of frontage on Lake Winnepesaukee, Alton.

With Conditions:

1. All work shall be in accordance with plans by as received by the Department on August 26, 2003.
2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
3. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
4. Construction debris and dredged material shall be placed out of any area that is within the jurisdiction of the DES Wetlands Bureau.
5. This permit does not allow for maintenance dredging.
6. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, maintained during construction, and shall remain until the area is stabilized.
7. Work shall be carried out in a time and manner such that there will be no disturbance to migratory waterfowl breeding areas or fish spawning areas.
8. Installation of this docking structure or access steps shall not require modification, regarding, recontouring, of the shoreline.
9. This shall be the only structure on this water frontage and all portions of the dock shall be at least 20 ft from abutting property lines or the imaginary extension of those lines into the water.
10. No portion of the pier shall extend more than 30 ft from the shoreline at full lake elevation.
11. The minimum clear spacing between pile bents shall be 12 feet.
12. Stone placed along the beach front for the purpose of retaining sand shall be placed above and/or landward of those rocks currently located along the normal high water line (Elevation 504.32). Those rocks existing at the normal high water line shall remain otherwise undisturbed such that the natural shoreline remains identifiable.
13. The steps installed for access to the water shall be located completely landward of the normal high water line.
14. No more than 10 cu yds of sand may be used and all sand shall be located above the normal high water line.
15. This permit shall be used only once, and does not allow for annual beach replenishment.

16. The permittee shall provide appropriate diversion of surface water runoff to prevent erosion of beach area.
17. Revegetation of trees, shrubs and ground covers representing the density and species diversity of the existing stand of vegetation removed for this project shall begin at a distance no greater than 5 ft landward from the beach area.
18. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minor impact project per Administrative Rule Wt 303.03(d).
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.

MINIMUM IMPACT PROJECT

2003-01496 BOSKA, JUDITH
BELMONT Winnisquam Lake

Requested Action:

Disturb a total of 825 square feet of forested wetland as follows: Permanently impact 450 square feet for the construction of a garage and temporarily impact 375 square feet for a construction envelope around the garage.

Inspection Date: 08/01/2003 by Jocelyn S Degler

APPROVE PERMIT:

Disturb a total of 825 square feet of forested wetland as follows: Permanently impact 450 square feet for the construction of a garage and temporarily impact 375 square feet for a construction envelope around the garage.

With Conditions:

1. All work shall be in accordance with plans by Keyland Enterprises dated June 19, 2003 and revised through August 1, 2003, as received by the Department on September 25, 2003.
2. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
3. This permit is contingent upon the restoration of 375 square feet of wetland in accordance with the approved plans.
4. Work shall be done during low flow.
5. A qualified wetlands consultant shall supervise the restoration activities on the Property to ensure that the restoration is accomplished pursuant to this Restoration Plan Approval.
6. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
7. All material removed during restoration activities shall be removed down to the level of the original hydric soils.
8. All material removed during restoration activities shall be placed out of DES's jurisdiction.
9. All steps shall be taken during the construction/restoration necessary to assure that no water quality violations occur on the Property.
10. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
11. The qualified wetlands consultant shall inspect the restoration areas, and submit an initial monitoring report with photographs to DES within 20 days of the projected restoration compliance date, but in no event shall the initial monitoring report be submitted later than [insert last possible date]. The initial monitoring report shall include, but not be limited to, documentation of erosion control deployment, construction sequencing, restoration activities and status of restoration at time of initial monitoring report. Photographs should depict all stages of restoration sequencing.

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(f); Projects involving alteration of less than 3000 square feet in swamps or wet meadows that are not in prime wetlands or do not meet the requirements of Wt 303.02(k), provided that no previous department permit has placed restrictions on the property of the applicant.
2. Applications received after the work is completed shall be subject to the same review as given any other application, per Rule Wt 204.06.
3. DES Wetland staff conducted a site inspection on August 1, 2003. The site inspection concluded that the wetland was typical to the area and was an isolated wetland that was quite small.
4. Placement of the garage is approximately 15 ft from the southern abutting property (Belmont, Tax Map 114, lot 15).
5. Placement of the garage is approximately 20 ft from the northern abutting property (Belmont, Tax Map 114, lot 9).
6. The applicant has provided letters of written agreement to wetland impacts from the abutters Thomas Fogg and Harriet Mitiguy the property owners of tax map 114, lots 15 and 9 respectively.
7. The applicant has demonstrated that this is the most reasonable alternative for the site in accordance with Rules Wt 302.03 and Wt 304.16.
8. The applicant has demonstrated that this project will not result in increased environmental impact.
9. Based on site inspection by DES Personnel on August 1, 2003, the installation of the fence will not have any impacts on the functions and values of the wetland.
10. The Department hereby waives Rule Wt 302.04(d)(4) based on findings 6 through 9 above.

2003-01701 WILSON, JAY & GABI
NEW LONDON Unnamed Wetland

Requested Action:

Dredge and fill approximately 930 square feet of palustrine forested wetlands for realignment of Sunset Shores Road. Work to include replacement of a stone culvert, installation of a second culvert and restore approximately 1,203 square feet of jurisdictional wetlands

Conservation Commission/Staff Comments:

No comments from the Conservation Commission.

APPROVE PERMIT:

Dredge and fill approximately 930 square feet of palustrine forested wetlands for realignment of Sunset Shores Road. Work to include replacement of a stone culvert, installation of a second culvert and restore approximately 1,203 square feet of jurisdictional wetlands

With Conditions:

1. All work shall be in accordance with plans by Pellettieri Associates dated July 24, 2003, as received by the Department on July 31, 2003.
2. This permit is contingent upon the restoration of 1203 sq. ft. of wetlands in accordance with plans received July 31, 2003.
3. The permittee shall notify DES and the local conservation commission in writing of their intention to commence construction no less than 5 business days prior to construction.
4. Work shall be done during low flow.
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
6. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
7. Proper headwalls shall be constructed within seven days of culvert installation.
8. The schedule for construction of the mitigation area shall coincide with site construction unless otherwise considered and authorized by the Wetlands Bureau.
9. The mitigation area shall be properly constructed, monitored, and managed in accordance with approved final mitigation plans.
10. The permittee or a designee shall conduct a follow-up inspection after the first growing season, to review the success of the mitigation area and schedule remedial actions if necessary. A report outlining these follow-up measures and a schedule for

completing the remedial work shall be submitted by December 1 of that year.

11. The potential for the establishment of the invasive species should be considered in other areas where spoils may be spread to limit its further establishment.
12. The permittee shall attempt to control invasive, weedy species such as purple loosestrife (*Lythrum salicaria*) and common reed (*Phragmites australis*) by measures agreed upon by the Wetlands Bureau if the species is found in the mitigation areas during construction and during the early stages of vegetative establishment.
13. A post-construction report documenting the status of the completed project with photographs shall be submitted to the Wetlands Bureau within 60 days of the completion of construction.
14. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
15. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
16. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(f), alteration of less than 3,000 sq ft of jurisdictional wetlands.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.
5. The Department has determined the proposed mitigation will adequately offset the proposed impacts.
6. The Department has determined the relocation of the roadway and upgrading of the stormwater controls will benefit the environment.

2003-01722 DOUGLAS HILL CONSTRUCTION LLC
CANDIA Unnamed Wetland

Requested Action:

Dredge and fill 2,250 sq. ft. of palustrine forested/ scrub-shrub wetlands to construct a driveway/culvert crossing to access a single family house lot.

Conservation Commission/Staff Comments:

No comments received from the Candia Conservation Commission.

APPROVE PERMIT:

Dredge and fill 2,250 sq. ft. of palustrine forested/ scrub-shrub wetlands to construct a driveway/culvert crossing to access a single family house lot.

With Conditions:

1. All work shall be in accordance with plans by Promised Land Survey, LLC dated July 24, 2003, as received by the Department on August 01, 2003.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
4. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
5. Proper headwalls shall be constructed within seven days of culvert installation.
6. Culvert outlets shall be properly rip rapped.
7. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.

8. Work shall be done during low flow.

2003-01756 DUBE, MIKE & MATTHEW
HILLSBOROUGH Unnamed Wetland

Requested Action:

Dredge and fill 1,329 square feet of palustrine forested wetlands and install an 18" x 28' culvert to provide access to a single family residence

Conservation Commission/Staff Comments:

No comments from the Conservation Commission

APPROVE PERMIT:

Dredge and fill 1,329 square feet of palustrine forested wetlands and install an 18" x 28' culvert to provide access to a single family residence

With Conditions:

1. All work shall be in accordance with plans by Meridian land Services, Inc. dated March 25, 2003, as received by the Department on August 6, 2003.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. Work shall be done during low flow.
4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
5. Proper headwalls shall be constructed within seven days of culvert installation.
6. Work authorized shall be carried out such that discharges shall be avoided in spawning or nursery areas during spawning seasons, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
7. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding and nesting areas shall be avoided.
8. No fill shall be done to achieve septic setback and no dredging shall take place that would contradict the DES Subsurface Systems Bureau rules.
9. No fill shall be done for lot development.
10. No fill shall take place in Atlantic white cedar swamps.
11. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(f), alteration of less than 3,000 sq ft of jurisdictional wetlands to provide access to a single family residence.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

2003-01796 CHARLESTOWN, TOWN OF
CHARLESTOWN Claybrook Stream

Requested Action:

Temporarily impact 1,800 square feet of Clay Brook to replace a water main. Work includes installation of a cofferdam, excavating

a 25' long trench and temporary stream diversion.

Conservation Commission/Staff Comments:

The Conservation Commission recommends approval

APPROVE PERMIT:

Temporarily impact 1,800 square feet of Clay Brook to replace a water main. Work includes installation of a cofferdam, excavating a 25' long trench and temporary stream diversion.

With Conditions:

1. All work shall be in accordance with plans by the applicant, as received by the Department on August 14, 2003.
2. Based on a phone conversation between DES personnel and the Charlestown Public Works Superintendent on October 3, 2003, 8" minus rip rap shall only be placed in the trench dug for water main installation.
3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
4. Unconfined work within the river, exclusive of work associated with installation of a cofferdam, shall be done during periods of low flow.
5. Cofferdams shall not be installed during periods of high flow, whether due to seasonal runoff or precipitation. Once a cofferdam is fully effective, confined work can proceed without restriction.
6. Prior to commencing work on a substructure located within surface waters, a cofferdam shall be constructed to isolate the substructure work area from the surface waters.
7. Temporary cofferdams shall be entirely removed immediately following construction.
8. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
9. Area shall be regraded to original contours following completion of work.
10. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

With Findings:

1. This project is classified as a minimum impact project per Rule Wt 303.04(v), repair of existing structures with no change in size, location or configuration.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

2003-01839 **OHLER, JONATHAN**
NEW LONDON **Unnamed Wetland**

Requested Action:

Retain approximately 495 square feet of fill and installation of a 17' x 5'6" culvert in a palustrine emergent wetland and drainage ditch

APPROVE PERMIT:

Retain approximately 495 square feet of fill and installation of a 17' x 5'6" culvert in a palustrine emergent wetland and drainage ditch

With Conditions:

1. All work was conducted in accordance with plans by RCS Designs, as received by the Department on August 15, 2003.
2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
3. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(f), alteration of less than 3,000 sq ft of jurisdictional wetlands.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

2003-01842 PSNH, ATTN: BEA HEBERT
DOVER Cocheco River

Requested Action:

Impact 12,930 square feet of upland tidal buffer zone for the excavation of dry surficial and shallow contaminant-impacted fill soils to be managed for off-site treatment and/or disposal, and to be used in a protective manner on-site; for the restoration of existing site grades with a direct contact soil barrier, or new pavement constructed over soils to remain in place and containing residual impacts from coal ash; for the stabilization of unpaved remediated surface areas with gravel and/or seeding and landscaping; and for the installation of stormwater management systems in the areas of both new and replaced pavement connected to existing City storm drains.

APPROVE PERMIT:

Impact 12,930 square feet of upland tidal buffer zone for the excavation of dry surficial and shallow contaminant-impacted fill soils to be managed for off-site treatment and/or disposal, and to be used in a protective manner on-site; for the restoration of existing site grades with a direct contact soil barrier, or new pavement constructed over soils to remain in place and containing residual impacts from coal ash; for the stabilization of unpaved remediated surface areas with gravel and/or seeding and landscaping; and for the installation of stormwater management systems in the areas of both new and replaced pavement connected to existing City storm drains.

With Conditions:

1. All work shall be in accordance with plans by Haley & Aldrich dated August 2003, as received by the Department on August 15, 2003.
2. Remediation area shall be regraded to original contours following completion of work.
3. Coastal staff shall be notified in writing prior to commencement of work and upon its completion.
4. Orange construction fencing shall be placed at the limits of the remediation work area to prevent accidental encroachment on wetlands.
5. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).
6. Appropriate siltation, erosion, and turbidity controls shall be in place prior to remediation, shall be maintained during remediation, and remain until the area is stabilized.
7. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
8. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
9. Engineering controls shall be used where necessary to mitigate impacts of vapors and odors resulting from exposed soil during

excavation and temporary stockpiles.

10. Precautions shall be taken during excavation to protect existing underground utilities existing on the project site.

11. During excavation and transportation of soils off-site, excavated soils shall be managed with the appropriate controls to prevent air-borne dispersal of particulates and stormwater infiltration.

12. An Activity and Use Restrictions (AUR) shall be finalized for the property following the completion of remediation activities, and a copy of the AUR shall be submitted to DES.

With Findings:

1. This is a minor impact project per Administrative Rule Wt 303.03(a), projects adjacent to any waters of the state or within 100 feet of the highest observable tide line.

2. This permit approval description includes the land-based remediation component of the project, while permit approval #2003-491 includes the river-based remediation component.

3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03, as this project will mitigate potential risks associated with direct contact with near-surface soil and sub-surface soil, including direct contact and potential leaching of constituents to groundwater.

4. The applicant has demonstrated per Wt 302.01 that the proposed impacts are needed to provide for conditions protective of human health and to improved the site's impact on its environmental setting per order of the NHDES Waste Management Division (NHWMD).

5. The remediation site exists completely within the developed tidal buffer zone, contains little natural vegetation, and is currently used for by a commercial marina for parking, boat storage, open-air boat repair and maintenance, and boat launching.

6. The current property owners have provided their writer approval for the work to occur.

7. Restoration design plans for remediated areas of the site are expected to improve the long-term collection, conveyance, and discharge of run-off from the site.

8. Remediation impacts within the site can be classified according to the type of waste identified in each area: purifier waste, ash fill, and a lead hot spot.

a. A distinct 2-4 foot thick layer of apparent purifier waste has been observed at depths between 1.5 and 8 feet below ground surface (bgs), may contain elevated concentrations of total cyanide, is a likely source of groundwater impacts by metals (i.e. beryllium, chromium, and lead), and will be excavated and disposed of off-site of DES jurisdiction.

b. Thin and discontinuous horizons of purifier waste mixed with coal ash were observed at depths ranging from 1.5 to 8.3 feet bgs, and may contain polynuclear hydrocarbons (PAHs). Per Env-Wm 401.03, coal ash is subject to exemption status with respect to remedial action, and therefore will result in the construction of direct contact barriers over adjacent fill soils containing coal ash. Activity and Use Restrictions (AURs) will be established in order to prevent future disturbance of the coal ash.

c. Approximately 74 cubic yards of soil contained within 1.5 feet bgs are lead-impacted and will be excavated for off-site disposal as hazardous waste.

9. NH Natural Heritage Inventory (NHNHI) has record of three state threatened plant species within the project vicinity, Eastern Lilaeopsis (*Lilaeopsis chinensis*), False Water Pimpernell (*Samolus parviflorus*), and Small Spike-Rush (*Eleocharis parvula*). NHNHI also has record of one natural community of special concern, Gulf of Maine Fresh/Brackish Intertidal Flat Community.

10. DES review of this application finds that none of the state threatened or the natural community of special concern will be negatively impacted as a result of the project, and that the overall site and habitat conditions will be improved.

2003-01868

PEASE DEVELOPMENT AUTHORITY, DIV. OF PORTS & HARBO

HAMPTON Atlantic Ocean

Requested Action:

Maintenance dredge a total of 100,000 cu. yds. of accumulated and/or shoaled sands and gravel over an area of 2,000,000 sq. ft. (approx. 46 acres) within Hampton-Seabrook Harbor to restore the controlling depths within the NH State anchorages and navigational channels.

Dredged materials will be disposed of within two designated beach nourishment areas located northerly and southerly of the Hampton-Seabrook Harbor inlet.

APPROVE PERMIT:

Maintenance dredge a total of 100,000 cu. yds. of accumulated and/or shoaled sands and gravel over an area of 2,000,000 sq. ft. (approx. 46 acres) within Hampton-Seabrook Harbor to restore the controlling depths within the NH State anchorages and navigational channels.

Dredged materials will be disposed of within two designated beach nourishment areas located northerly and southerly of the Hampton-Seabrook Harbor inlet.

With Conditions:

1. All work shall be in accordance with plans by the Maguire Group, Inc. dated 7/11/03, as received by the Department on August 27, 2003.
2. Dredged materials shall be disposed of in designated beach nourishment areas located northerly and southerly of the Hampton-Seabrook Harbor inlet. Disposal locations will be determined by DES Wetlands Bureau technical staff, based on field survey, and coordinated with the NH DRED, the NH Fish and Game Department and the permittee prior to the start of dredging.
3. Dredging time frame will be limited to the period of November 15 to March 15 over the five year duration of this permit.
4. Any request for dredging outside this time frame will be for emergency conditions only and must be coordinated with the DES Wetlands Bureau and the NH Fish and Game Department.
5. At least 48 hours prior to the start of dredging, a pre-construction meeting shall be held with the DES Wetlands Bureau technical staff at the project site to review the conditions of this wetlands permit. It shall be the responsibility of the permittee to schedule the pre-construction meeting, and the meeting shall be attended by the permittee, their professional engineer, the contractor(s) and any other party responsible for performing or overseeing the work.

FORESTRY NOTIFICATION

2003-01908 BINETTE, JOHN
ALEXANDRIA Unnamed Stream

COMPLETE NOTIFICATION:

Alexandria Tax Map 407, Lot# 78 & 79

2003-01909 ERNST, FREDERICK
ACWORTH Unnamed Stream

COMPLETE NOTIFICATION:

Acworth Tax Map 55, Lot# 428

2003-02094 MATHES, ROGER
LONDONDERRY

COMPLETE NOTIFICATION:

Londonderry Tax Map 8, Lot# 21

2003-02095 MATHES, ROGER
NEWFIELDS Unnamed Stream

COMPLETE NOTIFICATION:

Newfields Tax Map 214, Lot# 2 & 36

2003-02096 GAY, WILLIAM
HOPKINTON Unnamed Stream

COMPLETE NOTIFICATION:
Hopkinton Tax Map 221, Lot# 39.04
222, Lot# 129

2003-02097 HURLEY SMITH, NANCY
SANDWICH Unnamed Stream

COMPLETE NOTIFICATION:
Sandwich Tax Map R12, Lot# 21

2003-02098 SPNHF
EPPING Unnamed Stream

COMPLETE NOTIFICATION:
Epping Tax MAp 6, Lot# 20-2

2003-02099 ANGIOUNI, GUY
WAKEFIELD Unnamed Stream

Conservation Commission/Staff Comments:
10/03/03 - Rec'd call from Town Clerk, lot # should be 32 not 31. Logger referenced wrong #.

COMPLETE NOTIFICATION:
Wakefield Tax Map 18, Lot# 31

2003-02100 FISSETTE, DAN
WESTMORELAND Unnamed Stream

COMPLETE NOTIFICATION:
Westmoreland Tax Map R12, Lot# 100

2003-02101 CLUKAY, BRUCE
CONCORD Unnamed Stream

COMPLETE NOTIFICATION:
Concord Tax Map 119, Lot# 1-12

2003-02111 ROBERTS, DAVID
BRIDGEWATER Unnamed Stream

COMPLETE NOTIFICATION:
Bridgewater Tax Map 407, Lot# 9

2003-02112 LORD, JOHN & JANE
PETERBOROUGH Unnamed Stream

COMPLETE NOTIFICATION:
Peterboro Tax Map R9, Lot# 3

2003-02119 HATHAWAY, SHAUN
UNITY Unnamed Stream

COMPLETE NOTIFICATION:
Unity Tax map 8, Lot# J8-444

2003-02120 ROYSTAN, ROBIN & LISA
BATH Unnamed Stream

COMPLETE NOTIFICATION:
Bath Tax Map 7, Lot# 21

2003-02131 TIBBETTS, KEN & JUDY
MASON Unnamed Stream

COMPLETE NOTIFICATION:
Mason Tax map L, Lot# 9

EXPEDITED MINIMUM

2001-00223 KIELEY, JOHN
TEMPLE Unnamed Pond

Requested Action:

Install a 15" x 20' culvert in a seasonal stream and retain the construction of approximately 14,000 square feet of a pond (including the maintenance dredge of 12,293 sq ft of the pre-existing pond and 1,707 sq ft of uplands) and rebuild the existing spillway and stone lined inlet and outlet channels.

Inspection Date: 04/18/2003 by William A Thomas

APPROVE AMENDMENT:

Install a 15" x 20' culvert in a seasonal stream and retain the construction of approximately 14,000 square feet of a pond (including the maintenance dredge of 12,293 sq ft of the pre-existing pond and 1,707 sq ft of uplands) and rebuild the existing spillway and stone lined inlet and outlet channels

With Conditions:

1. All work shall be in accordance with plans revised by the applicant as received by the Department on July 29, 2003.

2. Dredged material shall be dewatered in sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
3. Dredged material shall be placed out of any area that is within the jurisdiction of the DES Wetlands Bureau.
4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
5. Work shall be done only during low flow conditions.
6. The pond shall be dewatered as specified on the approved plan prior to dredging.
7. No water shall be flowing from the pond during construction. This dewatered state shall be maintained until the impacted area has been properly stabilized to insure that dredged material does not migrate beyond the limits of the construction area.
8. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
9. All work, including temporary access, must be located at least 20 feet from abutting property boundaries.
10. The culvert installation shall be done during low flow or in the dry with appropriate sediment controls in place.
11. There shall be no additional work to the inlet and outlet channels.

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(k), maintenance dredging to provide continued usefulness of a man-made pond.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.
5. The Department finds the additional uplands excavated to increase the pre-existing pond are not considered a detriment to the environment.
6. The Department finds removal of additional work to the inlet channel would do more harm to the environment than restoring the site.

2003-01888 SOMERSWORTH, CITY OF
SOMERSWORTH Unnamed Wetland

Requested Action:

Temporarily impact approximately 544 square feet of a forested wetland for the installation of a commercial sewer connection to a municipal sewer interceptor.

Conservation Commission/Staff Comments:

No USGS map. Computer map is not at a useable scale. Digitized from tax map.

Based on a conversation with applicant's agent on 9/25/03, the applicant and abutting property owner have not yet completed the necessary easement agreement for work to progress on the abutting lot. When completed, documentation will be supplied to the file.

APPROVE PERMIT:

Temporarily impact approximately 544 square feet of a forested wetland for the installation of a commercial sewer connection to a municipal sewer interceptor.

With Conditions:

1. All work shall be in accordance with the Existing Conditions Plan (Sheet 1 of 8), the Site Layout Plan (Sheets 2 & 2A of 8) and the Drainage Detail (Sheet 8 of 8) by Civil Design Engineering Consultants dated July 9, 2003 and revised August 12, 2003, as received by the Department on August 26, 2003.
2. Work shall not proceed on the abutting lot, identified as Lot 7 on Somersworth Tax Map 4, until a proper easement agreement

has been reached with the adjacent property owner and evidence of that agreement has been submitted to the DES Wetlands Bureau.

3. Work shall be conducted during low flow.
4. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
5. Appropriate erosion siltation, and turbidity controls shall be installed prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
6. Dredged material not used to backfill the sewer line trench shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
7. The temporary wetland impact area shall be regraded to original contours, planted with a wetland seed mix and stabilized immediately following completion of work.
8. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
9. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
10. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
11. No fill shall be done for lot development.
12. No fill shall take place in Atlantic white cedar swamps.
13. Additional expedited minimum impact applications shall be accepted for the subject property for a period of 12 months only if the applicant demonstrates by plan that the additional project(s) are wholly unrelated or separate from the original application and when considered with the original application are not classified as minor or major.
14. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.

With Findings:

1. The project is categorized as a Minimum Impact Project per Administrative Rule Wt 303.04(f).
2. The need for the proposed impacts has been demonstrated by the applicant per Rule Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the Department's jurisdiction, in accordance with Rule Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Rule Wt 302.04(b), Requirements for Application Evaluation, has been considered in the design of the project.

**2003-01922 MEREDITH ACRES BEACH ASSOC, CHRISTOPHER SMITH V.P.
MEREDITH Lake Winnisquam**

Requested Action:

Extend an existing 6 ft by 40 ft dock to 6 ft by 50 ft on 379 ft of frontage on Lake Winnisquam, Meredith.

Conservation Commission/Staff Comments:

Con Com signed Exp Application

APPROVE PERMIT:

Extend an existing 6 ft by 40 ft dock to 6 ft by 50 ft on 379 ft of frontage on Lake Winnisquam, Meredith.

With Conditions:

1. All work shall be in accordance with plans and application as received by the Department on August 29, 2003.
2. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
3. This permit to replace or repair existing structures shall not preclude the Department of Environmental Services from taking any

enforcement action or revocation action if the Department of Environmental Services later determines that these "existing structures" were not previously permitted or grandfathered.

4. The seasonal dock shall not extend more than 50 ft lakeward at full lake elevation.
5. Seasonal piers shall be removed for the non-boating season.
6. This shall be the only structure on this water frontage and all portions of the dock shall be at least 20 ft from the abutting property lines or the imaginary extension of those lines into the water.
7. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(a).
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.

2003-01928 SCHUSSEL, GEORGE
MEREDITH Lake Winnepesaukee

Requested Action:

Repair in-kind an existing 178 linear ft stone retaining wall on an average of 1,303 ft of frontage on Advent Cove, Lake Winnepesaukee.

Conservation Commission/Staff Comments:

Con. Com. signed application

APPROVE PERMIT:

Repair in-kind an existing 178 linear ft stone retaining wall on an average of 1,303 ft of frontage on Advent Cove, Lake Winnepesaukee.

With Conditions:

1. All work shall be in accordance with plans by Carl R. Johnson dated March 29, 2000, as received by the Department on August 29, 2003.
2. This permit shall not be effective until it has been recorded with the county Registry of Deeds office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
4. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
5. Existing rocks which have fallen shall be used for repair. No Additional Rocks.
6. Additional expedited minimum impact applications shall be accepted for the subject property for a period of 12 months only if the applicant demonstrates by plan that the additional project(s) are wholly unrelated or separate from the original application and when considered with the original application are not classified as minor or major.
7. Work authorized shall be carried out such that discharges shall be avoided in spawning or nursery areas during spawning seasons, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
8. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding and nesting areas shall be avoided.
9. Repair shall maintain existing size, location and configuration.
10. Retaining wall shall be constructed landward of the shoreline defined by the elevation of normal high water so as not to create land in public water.
11. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement action or revocation action if the DES later determines that these "existing structures" were not previously permitted or grandfathered.
12. Work shall be done during drawdown.
13. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This project is classified as a minimum impact project per Rule Wt 303.04(v), repair of existing structures with no change in size, location or configuration.

2003-01958

WARREN, MARK & AUDRA

HENNIKER Unnamed Stream

Requested Action:

Dredge and fill approximately 610 square feet of intermittent stream and install an 18" x 20' culvert to provide access to a single family residence

APPROVE PERMIT:

Dredge and fill approximately 610 square feet of intermittent stream and install an 18" x 20' culvert to provide access to a single family residence

With Conditions:

1. All work shall be in accordance with plans by Keyland Enterprises dated July 14, 2003, as received by the Department on September 4, 2003.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. Additional expedited minimum impact applications shall be accepted for the subject property for a period of 12 months only if the applicant demonstrates by plan that the additional project(s) are wholly unrelated or separate from the original application and when considered with the original application are not classified as minor or major.
4. Work shall be done during low flow.
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
6. Work authorized shall be carried out such that discharges shall be avoided in spawning or nursery areas during spawning seasons, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
7. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding and nesting areas shall be avoided.
8. No fill shall be done to achieve septic setback and no dredging shall take place that would contradict the DES Subsurface Systems Bureau rules.
9. No fill shall be done for lot development.
10. No fill shall take place in Atlantic white cedar swamps.
11. Proper headwalls shall be constructed within seven days of culvert installation.
12. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(z), installation of a culvert and associated fill to provide access to a single family residence.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

TRAILS NOTIFICATION

2003-02104 HOOKSETT SCHOOL DISTRICT, CAWLEY MIDDLE SCHOOL
HOOKSETT Unnamed Stream

COMPLETE NOTIFICATION:
Hooksett Tax Map 26, Lot# 5 & 31

ROADWAY MAINTENANCE NOTIF

2003-02150 LANCASTER, TOWN OF
LANCASTER Ditch

2003-02151 LANCASTER, TOWN OF
LANCASTER Unnamed Stream Ditch

2003-02152 DERRY, TOWN OF
DERRY

2003-02153 MALLEY FARMS LLC
SOMERSWORTH Ditch